

Before the
Federal Communications Commission
Washington, D.C. 20554

001 / 2002

In the Matter of)	
)	
Amendment of Section 73.202(b),)	
Table of Allotments,)	MM Docket No. 00-18
FM Broadcast Stations.)	RM-9790
(Barnwell, South Carolina, and Pembroke,)	
Douglas, Willacooche, Statesboro,)	
Pulaski, East Dublin, Swainsboro and)	
Twin City, Georgia))	

MEMORANDUM OPINION AND ORDER
(Proceeding Terminated)

Adopted: September 4, 2002

Released: October 4, 2002

By the Assistant Chief, Audio Division:

1. The Audio Division has before it a Petition for Reconsideration filed by Multi-Service Corporation ("Multi-Service") directed to the **Report and Order** this proceeding.¹ Bullie Broadcasting Corporation ("Bullie Broadcasting") filed an Opposition to Petition for Reconsideration and Multi-Service filed a Reply to Opposition. For the reasons discussed below, we are granting the Petition for Reconsideration to add certain conditions to the modified WBAW license to ensure the preservation of service in Barnwell until a "backfill" station commence broadcast operations in that community.

Background

2. **At** the request of Bullie Broadcasting, licensee of Station WBAW, Channel 256C3, Barnwell, South Carolina, the **Report and Order** substituted Channel 257C1 for Channel 256C3 at Barnwell, reallocated Channel 257C1 to Pembroke, Georgia, and modified the Station WBAW license to specify operation on Channel 257C1 at Pembroke. In order to accommodate Channel 257C1 at Pembroke, the **Report and Order** reallocated Channel 258C1 from Douglas, Georgia, to Willacoochee, Georgia, and modified the Station WDMG license to specify Willacoochee as the community of license. Jumbo Thing, Inc., licensee of Station WDMG consented to the change in community of license and transmitter relocation. Finally, the **Report and Order** allotted Channel 256C3 to Barnwell as a "backfill" allotment at new coordinates. In doing so, the **Report and Order** dismissed a Counterproposal filed by Multi-Service, licensee of Station WPMX, Channel 275C3, Statesboro, Georgia. In that Counterproposal, Multi-Service proposed the substitution of Channel 257C3 for Channel 275C3 at Statesboro and modification of its license to specify operation on Channel 257C3. The Multi-Service Counterproposal was dismissed for two reasons. First, the Channel 257C3 substitution at Statesboro requires the reallocation of Channel 258C1 to Willacoochee, Georgia, and modification of the Station WDMG license to specify operation on Channel 258C1 at Willacoochee. Unlike Bullie Broadcasting, Multi-Service did not agree to reimburse Jumbo Thing, Inc., licensee of Station WDMG, for the costs of changing its community of license and relocation of the Station WDMG transmitter. Second, the Multi-Service proposal for a Channel 251A

¹ *Barnwell, South Carolina et. al.*, 16 FCC Rcd 17860 (M.M. Bur. 2001).

allotment at Twin City, Georgia, was untimely with respect to a conflicting Counterproposal filed by Lacom Communications in MM Docket 99-259.

3. In support of its Petition for Reconsideration, Multi-Service notes that on April 12, 2001, the license for AM Station WBUB, Barnwell, South Carolina, was cancelled. As such, our action in the *Report and Order* authorized the removal of the sole local service from Barnwell, South Carolina, and was contrary to Commission policy and inconsistent with prior actions.²

4. We grant reconsideration to ensure that Barnwell will retain at all times at least one local transmission service. Specifically, program test authority for Bullie Broadcasting's license for Channel 257C1 at Pembroke, Georgia is conditioned on the initiation of program tests by the future permittee of the Barnwell, Georgia "backfill" Channel 256C3 allotment. Moreover, no special temporary authority to serve Pembroke will be entertained prior to initiation of program tests by the "backfill" allotment. In this regard, the Commission has no immediate plans to commence competitive bidding procedures for the new Barnwell allotment. Additionally, any construction permit issued for the "backfill" Barnwell facility will specify a construction period of three years. In short, Bullie Broadcasting's opportunity to implement its license modification is both uncertain and possibly years away. These conditions are also consistent with previous actions involving the allotment of a "backfill" channel replacing the reallocation of a sole local service.³

5. Accordingly, IT IS ORDERED, That the aforementioned *Report and Order* IS MODIFIED to the extent of withholding program test authority and precluding special temporary authority with respect to the reallocation of Channel 257C1 to Pembroke, Georgia, until the ultimate permittee of the Channel 256C3 allotment at Barnwell, South Carolina, commences operation.

6. IT IS FURTHER ORDERED, That the aforementioned Petition for Reconsideration filed by Multi-Service Corporation IS GRANTED to the extent indicated above.

7. IT IS FURTHER ORDERED, That this proceeding IS TERMINATED.

8. For further information concerning this proceeding, contact Robert Hayne, Media Bureau, (202) 418-2177.

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos
Assistant Chief, Audio Division
Media Bureau

² See *Amendment of the Commission's Rules Regarding Modification of FM and TV Authorizations to Specify a New Community of License*, 4 FCC Rcd 4870 (1989), *recon. granted in parr.* 5 FCC Rcd 7094 (1990). See also *Ardmore, Oklahoma, and Sherman, Texas*, 6 FCC Rcd 7006 (M.M. Bur. 1991).

³ See e.g. *Refugio and Taft, Texas*, 15 FCC Rcd 8497 (M.M. Bur. 1997); *Llano and Marble Falls, Texas*, 12 FCC Rcd 6809 (M.M. Bur. 1997).